

EXHIBIT 2

Gerry Rickhoff

COUNTY CLERK



BEXAR COUNTY

BEXAR COUNTY COURT HOUSE

SAN ANTONIO, TEXAS 78205

356691

CASE NO. _____

VERONICA C. MARROW

DATE: 02-16-10

VS.

GENUINE PARTS COMPANY a/k/a NAPA AUTO PARTS

Please list name and service type for each defendant.

CITATION:

1. NAME GENUINE PARTS COMPANY a/k/a NAPA AUTO PARTS c/o Suzanne E. Deddish

- A. _____ Private Process
 B. _____ Sheriff
 C. X _____ Certified Mail
 D. _____ Out of County,
 Mail to Attorney: _____
 Address: _____

2. NAME _____

- A. _____ Private Process
 B. _____ Sheriff
 C. _____ Certified Mail
 D. _____ Out of County,
 Mail to Attorney: _____
 Address: _____

3. NAME _____

- A. _____ Private Process
 B. _____ Sheriff
 C. _____ Certified Mail
 D. _____ Out of County,
 Mail to Attorney: _____
 Address: _____

4. NAME _____

- A. _____ Private Process
 B. _____ Sheriff
 C. _____ Certified Mail
 D. _____ Out of County,
 Mail to Attorney: _____
 Address: _____

STATE OF TEXAS COUNTY OF BEXAR
CERTIFIED COPY CERTIFICATE

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 ATTESTED:

OCT 14 2010

GERARD RICKHOFF
COUNTY CLERK
BEXAR COUNTY, TEXASBY: Gerard Rickhoff
DEPUTY

"The State of Texas"

NO. 356691

VERONICA C MARROW

Plaintiff
vs.

IN THE COUNTY COURT AT

LAW NO. 5

GENUINE PARTS COMPANY

Defendant

BEXAR COUNTY, TEXAS

NOTICE

Citation Directed to: GENUINE PARTS COMPANY
AKA NAPA AUTO PARTS
BY SERVING ITS ATTORNEY REPRESENTATIVE, SUZANNE E. DEDDISH
3379 PEACHTREE RD N.E. SUITE 400
ATLANTA, GA 30326

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 16TH day of February, 2010.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 17TH DAY OF February A.D., 2010.

GERARD RICKHOFF
County Clerk of Bexar County, Texas
Bexar County Courthouse
100 Dolorosa Suite 104
San Antonio, Texas 78205



ADAM PONCIO

Attorney/PLAINTIFF

address 5410 FREDERICKSBURG RD 10
SAN ANTONIO, TX 78229-3554

By: Enrique Caballero Deputy
ENRIQUE CABALLERO

OFFICER'S RETURN

Came to hand 22nd day of February, A.D. 2010, at _____ o'clock _____ M.
and executed the 22nd day of February, A.D. 2010, in _____
at _____ o'clock _____ M. by delivering to _____
in person a true copy of this citation together with the accompanying copy of plaintiff's
petition. Served at 7009 2820 0001 7482 7984

I traveled _____ miles in the execution of this citation. fees: _____ Serving citation
\$ _____ Mileage _____ Total \$ _____

The State of Texas

NON - PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO this _____ day of _____



356691

(DKC001)

NOTARY PUBLIC, STATE OF TEXAS



GERARD RICKHOFF
COUNTY CLERK
BEXAR COUNTY, TEXAS

DEPUTY

RETURN TO COURT

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356691

CAUSE NO. _____

VERONICA C. MARROW

VS.

GENUINE PARTS COMPANY a/k/a NAPA
AUTO PARTS

§
§
§
§
§
§
§

IN THE COUNTY COURT

AT LAW NO. 5

BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes **VERONICA C. MARROW**, Plaintiff, and files this Plaintiff's Original Petition, complaining of GENUINE PARTS COMPANY a/k/a NAPA AUTO PARTS, hereinafter referred to as Defendant, and would respectfully show unto the Court as follows:

I.

PARTIES

Plaintiff is a resident of BEXAR County, Texas.

Defendant GENUINE PARTS COMPANY a/k/a NAPA AUTO PARTS is a business entity of unknown form doing business in BEXAR County, Texas, which may be served with process by certified mail, return receipt requested by serving its Attorney Representative, who has agreed to accept service: Suzanne E. Deddish, Esq., Martenson, Hasbrouch & Simon, LLP, 3379 Peachtree Rd. N.E., Suite 400, Atlanta, Georgia 30326.

II.

VENUE

Venue is proper in BEXAR County, Texas in that the Defendant conducts business in Bexar County. See TEX. CIV. PRAC. & REM. CODE § 15.002.

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III.
DISCOVERY

Plaintiff intends to conduct discovery under Level 3 of the Texas Rules of Civil Procedure.

IV.

MISNOMER / MISIDENTIFICATION

In the event that any parties are misnamed or are not included herein, it is Plaintiff's contention that such was a "misidentification," "misnomer" and/or such parties are/were "alter egos" of parties named herein. Alternatively, Plaintiff contends that such "corporate veils" should be pierced to hold such parties properly included in the interest of justice.

V.

FACTS

The harassment and discriminating began on December 15, 2007, when Plaintiff's immediate supervisor would ask Plaintiff personal and sexually related questions about Plaintiff's life and questioned other employees about Plaintiff's personal life. In March, 2008 Plaintiff was denied a raise and was confronted by Plaintiff's immediate supervisor stating "that's what happens"; he had done it on purpose because she had refused to give in to his prior advances: "quid pro quo harassment". Plaintiff reported it to upper management and Plaintiff's pay increase was reinstated, however, the supervisor continued to harass Plaintiff.

Plaintiff had been a long and faithful employee of Defendant. In April 2008, Plaintiff's immediate supervisor would continue to harass and ask personal questions about Plaintiff, and would write Plaintiff up for minor things. In September, 2008, Plaintiff could no longer take his harassment and retaliation; Plaintiff filed another complaint against his supervisor and Plaintiff

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requested to be moved from his supervision. However, Plaintiff was denied. In March 2009, Plaintiff became pregnant and the harassment and discrimination continued by the male supervisor. He would assign Plaintiff heavier work loads, although Plaintiff had a doctor's note with restrictions. Plaintiff was told there was no light duty. However, Laura Aranda, Hispanic, was pregnant and she was granted light duty and not required to do heavy lifting. Plaintiff was not allowed to sit down at anytime without a doctor's note, while other employees, including men, were allowed. On June 14, 2009, Plaintiff was automatically placed on short-term disability and was told that after 13 weeks Plaintiff no longer would have a job unless Plaintiff's restrictions were changed. Plaintiff believes that the discriminatory treatment, harassment and retaliation had been an attempt to make Plaintiff quit her job.

On July 29, 2009, the Plaintiff filed an Equal Employment Opportunity Commission charge of disability, race and sex discrimination against the Defendant.

VI.

DISCRIMINATION , RETALIATION AND WRONGFUL DISCHARGE

TEX. LABOR CODE 21.051, et seq

The acts committed by the agents, servants and/or employees of the Defendant in discriminating against, retaliating against and discharging Plaintiff based on her pregnancy, disability, sex, and/or race, constitute violations of Tex. Labor Code section 21.051, et seq., including 21.051, 21.055 and 21.056, 21.105, 21.106, 21.110 and 21.125.

Plaintiff has faithfully served Defendant in her capacity as an employee and had faithfully performed all duties expected of her. Plaintiff alleges that she was discriminated against and was wrongfully harassed as a result of her disability, race, pregnancy and/or sex.

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Plaintiff herein contends that Defendant generally violated the spirit of and intent of the Labor Code when the Defendant committed these discriminatory and retaliatory acts against Plaintiff.

VII.

DISCRIMINATION UNDER TEXAS LAW

The evidence will demonstrate:

Plaintiff belongs to a protected class;

Plaintiff was qualified for her position;

Plaintiff was subject to adverse employment action(s); and

Others outside Plaintiff's protected class were not treated similarly.

VIII.

RESPONDEAT SUPERIOR

Employees involved in the discrimination, harassment and retaliation described herein were at all times employees, agents, or representatives of the Defendant and were at all times acting in the course and scope of that employment. Accordingly, Defendant is liable for such conduct under the doctrine of *Respondeat Superior*.

IX.

DAMAGES

Plaintiff alleges that as a direct and proximate result of the conduct and/or omissions on the part of the Defendant, she is entitled to recover at least the following legal damages:

- (1) Lost wages, past and future;
- (2) Mental anguish and emotional distress suffered in the past

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(3) Mental anguish and emotional distress which, in all reasonable probability, will be suffered in the future; and

(4) Reasonable attorney fees, expert fees and costs.

X.

ADMINISTRATIVE FILINGS

Plaintiff filed her original verified complaint with the Equal Employment Opportunity Commission, alleging that the Defendant had committed unlawful employment practices against Plaintiff. Plaintiff's complaint was considered dually filed with the state agency. Plaintiff solely brings state law complaints in this petition.

XI.

ATTORNEY FEES

Defendant's conduct as described in this petition and the resulting damage and loss to Plaintiff has necessitated Plaintiff's retaining counsel. Therefore, Plaintiff seeks all reasonable and necessary attorney fees in this case which would include at least the following:

- A. Preparation and trial of the claim, in an amount the jury deems reasonable;
- B. Post-trial, pre-appeal legal services, in an amount the jury deems reasonable;
- C. An appeal to the Court of Appeals, in an amount the jury deems reasonable;
- D. Making or responding to an Application for Writ of Error to the Supreme Court of Texas, and attorneys' fees in the event that application for Writ of Error is granted, in an amount the jury deems reasonable; and
- E. Post-judgment discovery and collection in the event execution on the judgment is necessary, in an amount the jury deems reasonable.

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XII.

JURY DEMAND

Plaintiff further demands a trial by jury. A jury fee has been tendered.

XIII.

PRAYER FOR RELIEF

PREMISES CONSIDERED, Plaintiff prays that the Defendant be cited to appear and answer herein; that upon a final hearing hereof, a Judgment be rendered for Plaintiff for damages set out above in an amount the jury deems reasonable under the circumstances, along with costs of court, and both post and prejudgment interest as allowed by law, attorneys' fees and for such other and further relief to which Plaintiff may be justly entitled.

Respectfully Submitted,

**PONCIO LAW OFFICES
A Professional Corporation
5410 Fredericksburg Road, Suite 109
San Antonio, Texas 78229-3550
Telephone: (210) 212-7979
Facsimile: (210) 212-5880**

BY


**ADAM PONCIO
STATE BAR NO. 16109800**

**VALERIE L. MAWI, OF COUNSEL
VALERIE L. MAWI, P.C.
STATE BAR NO. 50511723**

ATTORNEYS FOR PLAINTIFF

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